

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Steven M. Kirchner,

Case No. 21-cv-0247 (WMW/LIB)

Plaintiff,

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

v.

The F.B.I. et al.,

Defendants.

This matter is before the Court on the February 26, 2021 Report and Recommendation (R&R) of United States Magistrate Leo I. Brisbois. (Dkt. 4.) A district court reviews for clear error any aspect of an R&R to which no specific objection was made. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Here, Plaintiff Steven M. Kirchner submitted letters to the Court during the period of time allowed for objections to the R&R, which suggests to the Court that these letters constitute Kirchner's objections to the R&R. Because Kirchner is *pro se*, his objections are entitled to liberal construction. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007). The Court has reviewed these letters and they do not identify any error of law or fact that warrants rejecting the recommendations in the R&R.¹ Therefore, Kirchner's objections are overruled. Moreover, having reviewed the R&R, the Court finds that it is neither clearly erroneous nor contrary to law.

¹ Kirchner's letters also fail to comply with a number of local rules, including LR 72.2(c), which addresses the format of objections and responses to R&Rs.

Based on the R&R and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. Plaintiff Steven M. Kirchner's objections to the February 26, 2021 R&R, (Dkt. 5), are **OVERRULED**.
2. The February 26, 2021 R&R, (Dkt. 4), is **ADOPTED**.
3. This matter is **DISMISSED WITHOUT PREJUDICE** for lack of subject-matter jurisdiction.
4. Plaintiff Steven M. Kirchner's application to proceed in district court without prepaying fees or costs, (Dkt. 2), is **DENIED AS MOOT**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: April 12, 2021

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge